

REMARKS

The Applicant thanks the Examiner for the thorough consideration given the present application. Claims 23-43, and 45-47 are pending. Claim 44 is cancelled herein without prejudice to or disclaimer of the subject matter set forth therein. Claims 1-22 were previously cancelled. Claims 23 and 35 are amended and claims 45-47 are added. Claims 23, 35, and 47 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Allowable Subject Matter

Claims 27, 29, 31, 32, 34, and 36-39 would be considered allowable if rewritten in independent form. The Applicant appreciates the early indication of allowable subject matter.

In response,

independent claims 23 and 35 have each been amended to include a combination of elements not taught or suggested by the references cited by the Examiner, and

independent claim 47 has been added combining independent claim 35 and the allowable subject matter of claim 36.

Therefore, independent claims 23, 35, and 47 are in condition for allowance.

The Drawings

The Examiner has not indicated whether or not the drawings have been accepted. Clarification is respectfully requested in the next official communication.

Restriction Requirement

The Examiner has made the Restriction Requirement final, and has withdrawn claims 40-44 from further consideration. By this Amendment, the Applicant has canceled non-elected claim 44. Claims 40-43 remain pending. Assuming that independent claims 23 and 35 are found to be allowable, it is respectfully requested that the Examiner rejoin withdrawn claims 40-43. The Applicant reserves the right to file a divisional application directed to the withdrawn claims at a later date if so desired.

Rejections Under 35 U.S.C. §103(a)

Claims 23-26, 28, and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gubarev et al. (SU 1708397 A1) in view of Genev (EP 000256147);

Claim 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gubarev et al. in view of Genev, and further in view of JP 845,632; and

Claim 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over JP-05-348616 (Masuda) in view of Genev, and further in view of JP Patent 845,632.

These rejections are respectfully traversed.

Amendments to Independent Claims 23

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, independent claim 23 has been amended herein to recite a novel combination of features, including *inter alia*

the second processing face is formed on a lower surface of a second processing portion, the second processing portion being an annular element.

Support for the novel combination of elements set forth in claim 23 can be seen, for example, in the FIGS., and on pages 26 and 27 of the specification.

By contrast, as the Examiner concedes, Gubarev et al. fail to show one of the processing faces being movable towards or away from the other.

In addition, the Genev document merely discloses a crush cone 17 which is movable at an angle to the axis of the crush disk 7.

At least for the reasons described above, the Applicant respectfully submits that the novel combination of features set forth in independent claim 23 is not disclosed or made obvious by the prior art of record, including Gubarev et al. and Genev.

Therefore, independent claim 23 is in condition for allowance.

Amendments to Independent Claims 35

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, independent claim 35 has been amended herein to recite a novel combination of features, including *inter alia*

wherein the at least two processing members are disposed in an annular receiving portions of corresponding holders.

Support for the novel combination of elements set forth in claim 35 can be seen, for example, in the FIGS., and on pages 26 and 27 of the specification.

By contrast, as the Examiner concedes, Masuda fails to show one of the processing faces being movable towards or away from the other.

In addition, the Genev document merely discloses a crush cone 17 which is movable at an angle to the axis of the crush disk 7.

Further, JP Patent 845,632 was cited merely to disclose a processing device with processing faces featuring recesses.

At least for the reasons described above, the Applicant respectfully submits that the novel combination of features set forth in independent claims 35 is not disclosed or made obvious by the prior art of record, including Masuda (JP 05-348616), Gubarev et al. and JP 845,632.

Therefore, independent claim 35 is in condition for allowance.

Added Independent Claims 47

As noted above, independent claim 47 has been added combining independent claim 35 and the allowable subject matter of claim 36.

Therefore, independent claim 47 is in condition for allowance.

Dependent Claims

The Examiner is advised that dependent claims 45 and 46 have been added to set forth additional novel features of the invention.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.


If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

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Respectfully submitted,

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